

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FABRAL, INC.,	)	
	)	Civil Action
Plaintiff	)	No. 09-cv-00279
	)	
vs.	)	
	)	
B&B ROOFING COMPANY, INC.,	)	
doing business as B&B Roofing	)	
& Metals, Inc.;	)	
B&B METALS OF MIDDLESBORO, INC.,	)	
doing business as B&B Roofing	)	
& Metals, Inc.;	)	
B&B METALS, LLC,	)	
doing business as B&B Roofing	)	
& Metals, Inc.; and	)	
GARY M. BREWSTER,	)	
	)	
Defendants	)	

VERDICT

NOW, this 30<sup>th</sup> day of September, 2011, after trial without jury before the undersigned on March 1 and 2, 2011; and based upon the Findings of Fact, Conclusions of Law, and Discussion contained in the accompanying Adjudication, I find as follows:

On Count I of plaintiff's Complaint filed January 21, 2009, I find in favor of plaintiff Fabral, Inc. and against defendant B&B Roofing Company, Inc. in the amount of \$2,553,696.67, as follows:

\$1,537,959.35	for principal balance owed
758,054.47	for late charges
238,703.50	for attorneys' fees
<u>18,979.35</u>	for costs
\$2,553,696.67	Total Verdict against
	B&B Roofing Company, Inc.

On Count I of plaintiff's Complaint, I find in favor of plaintiff Fabral, Inc. and against defendant B&B Metals of Middlesboro, Inc. in the amount of \$816,577.12, as follows:

\$ 498,136.98	for principal balance owed <sup>1</sup>
234,950.90	for late charges
77,339.93	for attorneys fees
<u>6,149.31</u>	for costs
\$ 816,577.12	Total Verdict against B&B Metals of Middlesboro, Inc.

On Count I of plaintiff's Complaint, I find in favor of plaintiff Fabral, Inc. and against defendant B&B Metals, LLC in the amount of \$1,737,119.55, as follows:

\$1,039,822.37	for principal balance owed <sup>2</sup>
523,103.57	for late charges
161,363.57	for attorneys' fees
<u>12,830.04</u>	for costs
\$1,737,119.55	Total Verdict against B&B Metals, LLC <sup>3</sup>

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge

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<sup>1</sup> This amount of \$498,136.98 for principal balance owed is based on my Order and Opinion dated February 24, 2011 where I granted, in part, Plaintiff's Motion for Summary Judgment and entered judgment in favor of plaintiff Fabral, Inc. and against defendant B&B Metals of Middlesboro, Inc. in the amount of \$498,136.98 on liability and compensatory damages only.

<sup>2</sup> This amount of \$1,039,822.37 for principal balance owed is based on my Order and Opinion dated February 24, 2011 where I granted, in part, Plaintiff's Motion for Summary Judgment and entered judgment in favor of plaintiff Fabral, Inc. and against defendant B&B Metals, LLC in the amount of \$1,039,822.37 on liability and compensatory damages only.

<sup>3</sup> It is the sense of this Verdict that, for the reasons articulated in the accompanying Adjudication, plaintiff sustained total damages of  
(Footnote 3 continued):

(Continuation of footnote 3) :

\$2,553,696.67. These damages include \$1,537,959.35 for the principal balance owed to plaintiff on the outstanding invoices, \$758,054.47 for late charges, \$238,703.50 for attorneys' fees, and \$18,979.35 for costs.

It is the further sense of this Verdict that defendant B&B Roofing Company, Inc. ("Roofing") is liable to plaintiff for 100% of these damages.

It is also the sense of this Verdict that, together, defendants B&B Metals of Middlesboro, Inc. ("Middlesboro") and B&B Metals, LLC ("LLC") are liable to plaintiff for 100% of these damages as well. Middlesboro's percentage share of the total amounts of the outstanding invoices, late charges, attorneys' fees, and costs is 32.4%. LLC's percentage share of these items is 67.6%.

Nothing in this Verdict or the accompanying Adjudication should be construed as precluding plaintiff from seeking additional recovery for attorneys' fees or late fees, if appropriate, in a motion for additur or other appropriate request. However, it is the sense of this Verdict that plaintiff is not entitled to a "double recovery".

In other words, plaintiff may seek to recover anything up to 100% of these total damages (\$2,553,696.67) from Roofing, anything up to 32.4% of these total damages (\$816,577.12) from Middlesboro, and anything up to 67.6% of these total damages (\$1,737,119.55) from LLC, so long as plaintiff's total recovery from all three defendants does not exceed \$2,553,696.67.